

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated November 6, 2008 has been received and its contents carefully reviewed.

Claims 1, 3, and 7-8 are hereby amended. No new matter has been added. Accordingly, claims 1-13 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

**The Office objects to claim 1 because of informalities.** *Office Action* at p. 2.

Claim 1 has been amended to correct an inadvertent error. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 1.

**The Office rejects claim 3 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement, specifically the interpretation of the phrase “greater in a vertical length than other portion.”** *Office Action* at p. 2. Applicant respectfully traverses the rejection. The Applicant has amended claim 3 to clarify the subject matter contained therein. Thus, the Applicant respectfully requests that the Office withdraw the rejection of claim 3 under 35 U.S.C. § 112, first paragraph.

**The Office rejects claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, specifically the interpretation of the term “closed-circle shape.”** *Office Action* at p. 2. The Applicant has amended claim 7. Thus, the Applicant respectfully requests that the Office withdraw the rejection of claim 7 under 35 U.S.C. § 112, second paragraph.

**The Office rejects claims 9-13 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, specifically the antecedent basis for the term “the extending portion.”** *Office Action* at p. 3. The Applicant has amended claim 8. Thus, the Applicant respectfully requests that the Office withdraw the rejection of claims 9-13 under 35 U.S.C. § 112, second paragraph.

**The Office rejects claims 1-2, 4-6, and 8-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,743,281 to Sargeant et al. (hereinafter “Sargeant”).** *Office Action* at P. 3. Applicant respectfully traverses the rejection.

Independent claim 1 is allowable in that it recites, among other features, “a sump housing having a washing water storing portion, a water supply connector formed on a first portion of the washing water storing portion, and a heater insertion hole formed on a second portion of the washing water storing portion, the second portion opposite to the first portion; a washing motor mounted beneath the sump housing; a water infiltration preventing rib having a first end attached to an outer bottom surface of the sump housing and a second end extending from the first end;...and a heater capable of insertion into the washing water storing portion through the heater insertion hole.” *Sargeant* fails to describe, either expressly or inherently, at least these features of the claimed invention.

The Office associates the water supply connector 291 of the present invention with the “wash pump impeller 95/bearing 115” of *Sargeant*. *Office Action* at p. 3. Additionally, the Office associates the washing water storing portion of the present invention with the sump 134 of *Sargeant*. Applicant respectfully disagrees. As seen from FIG. 27 and the associated text of *Sargeant*, the wash pump impeller 95 of the prior art is not a part of the sump 134. *Sargeant* at FIG. 27. Thus, there is no evidence of, “a sump housing having a washing water storing portion, a water supply connector formed on a first portion of the washing water storing portion,” as recited in independent claim 1. (Emphasis added).

Additionally, *Sargeant* is entirely silent with regards to a heater insertion hole 298. As seen from FIGs. 25 and 34, and the associated text of *Sargeant*, *Sargeant* merely discloses a heater plate 141. Thus, there is no evidence of, “a heater insertion hole formed on a second portion of the washing water storing portion,” as claimed in independent claim 1.

Next, the Office associates the wash pump impeller 95 with the water supply connector 291 of the present invention. *Office Action* at p. 3. However, as seen from FIGs. 12, 27, and the associated text of *Sargeant*, the location of the heating plate 141 is not opposite to the wash pump impeller 95. *Sargeant* at FIGs. 12, 27, and *Office Action* at p. 3. Thus, there is no evidence of, “a water supply connector formed on a first portion of the washing water storing

portion, and a heater insertion hole formed on a second portion of the washing water storing portion..., the second portion opposite to the first portion; ... and a heater capable of insertion into the washing water storing portion through the heater insertion hole,” as recited in independent claim 1. (Emphasis added).

Independent claim 8 is allowable in that it recites, among other features, “a sump housing having a heater receiving portion... a washing motor mounted under the sump housing.” *Sargeant* fails to describe, either expressly or inherently, at least these features of the claimed invention.

The Office associates the heater receiving portion of the present invention with the “shaft 99 (heater receiving portion)” of *Sargeant*. *Office Action* at p. 3. The Office also associates the sump 134 with the washing water storing portion. *Id.* Applicant respectfully disagrees with the associations, and as seen from FIG. 27 and the associated text of *Sargeant*, the shaft 99 of the prior art is not a part of the sump 134. *Sargeant* at FIG. 27. Thus, there is no evidence of, “a sump housing having a heater receiving portion,” as recited in independent claim 8.

Additionally, as seen from FIG. 35 the motor 78 is located inside the casing 106. *Sargeant* at FIG. 35. The casing 106 is connected to the sump 134 by the drain pump inlet 108, and is not located under the sump 134. In fact, the height of the motor 78 is roughly equivalent if not equivalent to that of the sump 134. Thus, there is no evidence of, “a washing motor mounted under the sump housing,” as recited in independent claim 8.

Accordingly, Applicant respectfully submits that independent claims 1 and 8 are patentably distinguishable over *Sargeant*. It stands to reason that claims 2, 4-6, and 9-13 which variously depend from claims 1 and 8, are also patentably distinguishable for at least the same reasons. Thus, Applicant respectfully requests the Office to withdraw the rejection of claims 1-2, 4-6, and 8-13 under 35 U.S.C. § 102(b).

### **CONCLUSION**

The foregoing amendments place the application in condition for allowance. Early, favorable action is respectfully solicited. If for any reason the Examiner finds the application

other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By

  
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